

National Center for Youth Law

**TESTIMONY OF THE NATIONAL CENTER FOR YOUTH LAW  
TO THE JUDICIARY COMMITTEE IN SUPPORT OF**

**Section 16, Raised Bill No. 5642**

**An Act Concerning the Recommendations of the  
Juvenile Justice Policy Oversight Committee**

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March 23, 2016

This testimony is submitted on behalf of the National Center for Youth Law (NCYL), a national non-profit law organization. For more than 35 years, NCYL has worked to protect the rights of low-income children and to ensure that they have the resources, support and opportunities they need for a fair start in life. NCYL works nationwide to ensure that children have access to the education they need to become self-sufficient adults.

The National Center for Youth Law supports Section 16 of Raised Bill No. 5642, An Act Concerning the Recommendations of the Juvenile Justice Policy Oversight Committee. By providing expelled students access to alternative education that meets State standards for other alternative education programs, Section 16 of Raised Bill No. 5642 will help the State of Connecticut ensure that expelled students stay on track to graduate and become productive members of society. Section 16 of Raised Bill No. 5642 will also help align Connecticut with other states where expelled students receive individual education plans to support their educational progress and access to accredited educational programs during expulsion.<sup>1</sup>

**Section 16 of Raised Bill No. 5642 will improve outcomes for vulnerable students in Connecticut.**

During the 2013-2014 school year, 939 students were expelled from Connecticut schools, with an average of 120 days of expulsion.<sup>2</sup> These students are among the most vulnerable students in Connecticut, many of whom struggled academically or behaviorally before expulsion. Although the period of expulsion is a critical time to provide necessary academic and behavioral interventions to these students, many receive minimal direct instruction and retain little connection to the curriculum offered by their regular school.

Removing struggling students from instruction runs counter to research showing a consistent, positive relationship between instructional opportunity and student achievement.<sup>3</sup> In the long term, reduced instructional time makes future academic tasks more difficult and, consequently, can incentivize student misbehavior to avoid

<sup>1</sup> See, e.g., N.J. ADMIN. CODE § 6A:16-7.4(a)(2); 105 ILL. COMP. STAT. 5/13A-4.

<sup>2</sup> CONN. STATE DEP'T OF EDUC., SUSPENSIONS AND EXPULSIONS IN CONNECTICUT 35, 39 (March 2015), available at: [http://www.sde.ct.gov/sde/lib/sde/pdf/deps/sctg/suspensions\\_and\\_expulsions\\_2015.pdf](http://www.sde.ct.gov/sde/lib/sde/pdf/deps/sctg/suspensions_and_expulsions_2015.pdf). Because of the State Department of Education's current replacement of its public data system, CEDAR, the 2013-2014 school year is the most recent publicly-available data.

<sup>3</sup> M. Karega Rausch & Russell Skiba, *The Academic Cost of Discipline: The Relationship Between Suspension/Expulsion and School Achievement* 6 (2006), available at: <http://www.agi.harvard.edu/Search/download.php?id=45> (summarizing research showing that instructional time is positively related to academic achievement).

increasingly difficult academic work.<sup>4</sup> As a result, exclusion from instructional time increases the disciplined students' risk of academic failure.<sup>5</sup> Research also shows that sheer time in appropriate educational programming can improve outcomes for students. When disciplined students have reduced adult supervision during their periods of exclusion from school, they have increased time to spend with peers who are even less connected to school, which can entrench students' school alienation.<sup>6</sup>

Additionally, the frequent lack of relationship between alternative education for expelled students and the curriculum at regular schools endangers expelled students' school connectedness. School connectedness—students' belief that adults within the school care about them and their educational progress—is critical to protect against a number of risk factors for poor academic and life outcomes.<sup>7</sup> When the disciplined student's sense of belonging in and connection to the school community decreases, the probability of academic failure and poor life outcomes increase.<sup>8</sup> The consequences of reduced school connectedness are significant. Students with high levels of school connectedness have better school attendance, higher grades, higher standardized test scores and fewer behavioral incidents than their peers who are less connected to school.<sup>9</sup> School connectedness functions as a critical factor supporting academic achievement for economically-disadvantaged students<sup>10</sup> and also protects against health risks that reduce students' focus on academics and achievement.<sup>11</sup>

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<sup>4</sup> PETER E. LEONE et al., THE NATIONAL CENTER ON EDUCATIONAL, DISABILITY AND JUVENILE JUSTICE, SCHOOL FAILURE, RACE AND DISABILITY: PROMOTING POSITIVE OUTCOMES, DECREASING VULNERABILITY FOR INVOLVEMENT WITH THE JUVENILE DELINQUENCY SYSTEM 6 (2003) [hereinafter SCHOOL FAILURE] (quoting T.M. Scott et al., *Effective Instruction: The Forgotten Component in Preventing School Violence*, 24 EDUCATION AND TREATMENT OF CHILDREN 309—322 (2001)); Aaron Kupchik, *Things are Tough All Over: Race, Ethnicity, Class and School Discipline*, 11 PUNISHMENT & SOCIETY 291, 307 (finding that exclusionary punishment was often used for student misbehavior caused by their academic insecurity and served to aggravate these students' academic deficits because they fell further behind their classmates during the period of discipline).

<sup>5</sup> See, e.g., SCHOOL FAILURE, *supra* note 4 at 6—7; RUSSELL SKIBA et al., AMERICAN PSYCHOLOGICAL ASSOCIATION, ARE ZERO TOLERANCE POLICIES EFFECTIVE IN THE SCHOOLS? AN EVIDENTIARY REVIEW AND RECOMMENDATIONS 46 (2006) [hereinafter APA] (summarizing L.M. Raffaele-Mendez, *Predictors of Suspension and Negative School Outcomes: A Longitudinal Investigation*, 99 NEW DIRECTIONS FOR YOUTH DEVELOPMENT 17—34 which found a negative relationship between a student's total number of suspensions in sixth grade and his/her math and reading achievement in seventh and eighth grade).

<sup>6</sup> SCHOOL FAILURE, *supra* note 4 at 23; APA, *supra* note 5 at 81. See generally D. Mark Anderson, *In School and Out of Trouble? The Minimum Dropout Age and Juvenile Crime* 33 (2010), available at: <http://ssrn.com/abstract=1544003> (finding that interventions to keep kids in school reduce the amount of time available for delinquent acts).

<sup>7</sup> CENTERS FOR DISEASE CONTROL AND PREVENTION, SCHOOL CONNECTEDNESS: STRATEGIES FOR INCREASING PROTECTIVE FACTORS AMONG YOUTH 3 (2009) [hereinafter CDC].

<sup>8</sup> See, e.g., AMANDA PETTERUTI, JUSTICE POLICY INSTITUTE, EDUCATION UNDER ARREST: THE CASE AGAINST POLICE IN SCHOOLS 18 (2011) (summarizing research finding that students who receive exclusionary discipline lose opportunities to develop strong relationships with adults and institutions that promote positive development and life outcomes).

<sup>9</sup> CDC, *supra* note 7 at 5; Richard F. Catalano et al., *The Importance of Bonding to School for Healthy Development: Findings from the Social Development Research Group* 74 JOURNAL OF SCHOOL HEALTH 252, 256, 259 (2004) (finding that school bonding increased grade point average and likelihood of academic achievement while decreasing likelihood of dropping out, grade repetition and school misbehavior and that, as school bonding increased, students' problem behaviors decreased); Adena M. Klem & James P. Connell, *Relationships Matter: Linking Teacher Support to Student Engagement and Achievement*, 74 JOURNAL OF SCHOOL HEALTH 262, 266 (2004).

<sup>10</sup> B.E. Becker & S.S. Luthar, *Social-Emotional Factors Affecting Achievement Outcomes Among Disadvantaged Students: Closing the Achievement Gap*, 37 EDUCATIONAL PSYCHOLOGIST 197-214 (2002).

<sup>11</sup> Dorian Wilson, *The Interface of School Climate and School Connectedness and Relationships with Aggression and Victimization*, 74 JOURNAL OF SCHOOL HEALTH 293, 298 (2004).

Moreover, improving education provided to expelled students in Connecticut has a direct relationship to racial equity in education in Connecticut and efforts to eliminate the racial achievement gap: Black students in Connecticut were almost four times as likely as White students to be excluded from adequate education through an expulsion.<sup>12</sup>

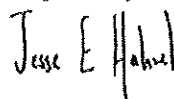
Expanding the protections of Raised Bill No. 5642 will make it even more effective.

NCYL urges the committee to amend Raised Bill No. 5642 to expand its protections to all expelled students, not just those under 16 or students who are between age 16 and 18 and expelled for the first time. As currently written, Raised Bill No. 5642 does not improve the education provided to students who have been expelled more than once and are between age 16 and 18. However, no research suggests that these students cannot benefit from increased educational services during periods of expulsion. Indeed, because of the continuous development of the adolescent brain, educational opportunities during adolescence can have a huge impact on a student's long-term outlook on life opportunities.<sup>13</sup>

Section 16 of Raised Bill No. 5642 will improve education for some of the most vulnerable students in Connecticut, and NCYL urges the committee to extend those improvements to all of these vulnerable students.

Thank you for your time and consideration.

Respectfully submitted,



Executive Director  
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<sup>12</sup> Compare CONN. STATE DEP'T OF EDUC., SUSPENSIONS AND EXPULSIONS IN CONNECTICUT 35 (March 2015), available at: [http://www.sde.ct.gov/sde/lib/sde/pdf/deps/sctp/suspensions\\_and\\_expulsions\\_2015.pdf](http://www.sde.ct.gov/sde/lib/sde/pdf/deps/sctp/suspensions_and_expulsions_2015.pdf) with CONN. STATE DEP'T OF EDUC., 2013-2014 Public District Enrollment by Race and Gender, <http://www.sde.ct.gov/sde/lib/sde/excel/evalresearch/enrollmentdata2013-14.xls> (last visited March 22, 2016). Note that national research suggests that variations in student behavior do not cause this overrepresentation: school and non-behavioral student characteristics are better predictors of exclusionary discipline than student behavior. See, e.g., APA, *supra* note 5 at 41-42. Race appears to be a particularly salient predictor of exclusionary discipline, with studies showing that neither student behavior nor socioeconomic status explain significant overrepresentation of Black students receiving exclusionary discipline. See, e.g., Russell Skiba et al., *The Color of Discipline: Sources of Racial and Gender Disproportionality in School Punishment*, 34 THE URBAN REVIEW 317, 335 (2002); APA, *supra* note 5 at 57; John M. Wallace, Jr. et al., *Racial, Ethnic, and Gender Differences in School Discipline Among U.S. High School Students: 1991-2005*, 59 NEGRO EDUCATIONAL REVIEW 47, 52-58 (2008). Indeed, nationally, Black students tend to receive more severe exclusionary discipline for behavior that is less serious than other students. APA, *supra* note 5 at 57.

<sup>13</sup> ADVANCEMENT PROJECT & THE CIVIL RIGHTS PROJECT, HARVARD UNIVERSITY, OPPORTUNITIES SUSPENDED: THE DEVASTATING CONSEQUENCES OF ZERO TOLERANCE AND SCHOOL DISCIPLINE 12 (2000).